

Copyright or Copy Wrong: What is Fair Use?

In the United States, copyright law, in section 107, permits the fair use of a copyrighted work for such purposes as "criticism, comment, news reporting, teaching, scholarship, or research" (Library of Congress, 2007). In the world of digital media, access to copyrighted material is easily accessible. It requires knowledge of the rules and guidelines set in place to protect the original creator, but to also be knowledgeable about the parameters set in place to allow for the development of education. With the development of the Fair Use Guideline for Educational Multimedia these rules are defined.

Fair Use means that teachers and students can use copyrighted material, in a legal manner, in their educational presentations or works. It also means that students and educators may use copyrighted work in a project or paper without having to get permission from the copyright owner. Although works should be properly cited to avoid plagiarism.

Under the Fair Use guidelines, images, music, and video may be used in student multimedia work without permission (Davidson, 2005). Educators may use the work of others in multimedia creations for the creation of curriculum materials. The copyrighted materials may be used for face-to-face student instruction or student self-study. Real-time remote instruction may be used for online courses, or curriculum-based courses as long as the content is protected from copying. The multimedia projects created by educators may only be used for educational purposes and for no more than two years; after that the educator must garner permission from the copyright holder. Faculty members may present their works at professional workshops or conferences, and also keep a copy in their personal portfolios for review or job interviews.

Students may incorporate the work of others into their multimedia creations and perform and/or display them for an academic assignment. The guidelines state that students who use copyrighted material credit the source, display the copyright notice (©), and provide the information about the copyright ownership. The credit should include the source of the work, including the author, title, publisher, and place and date of publication. The copyright ownership should include the copyright notice, year of first publication, and name of copyright holder (Starr, 2010).

In a presentation that contains copyrighted material it is important to state on the opening screen and on any print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and may not be copied or reproduced further.

It is important that if any copyrighted information is used in a multimedia project, whether by a student or an educator, and hosted on-line that the works be secured materials, such as behind a password protected filter for only students enrolled in that course to see.

While not a perfect solution, the Fair Use Guidelines make it possible for educators and students to proceed with confidence to use small portions of copyrighted material in the creation of multimedia products.

References

Davidson, H. (2005, June). Copyright primer for administrators. *Technology & Learning*, 25(11),

2.

Library of Congress, U.S. Copyright Office. (2007). Copyright law of the United States and related laws contained in title 17 of the United States code (Circular 92). Washington, DC: Library of Congress. Copyright Office. Retrieved from <http://www.copyright.gov/title17/circ92.pdf>

Starr, L. (2010, May 25). The educator's guide to copyright and fair use. *Education World*, Retrieved from http://www.educationworld.com/a_curr/curr280a.shtml